



STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
AUGUSTA BETHLEY,	)	
	)	
Complainant,	)	
	)	Charge No.: 1989CF2755
and	)	EEOC No.: 21B891315
	)	ALS No.: 8192 (f/k/a 7130)
EXECUTIVE SECURITY DOOR,	)	
	)	
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

This matter comes on to be heard on my own motion, *sua sponte*, to dispose of a case which appears to have been abandoned. On May 27, 1994, a Commission panel declined to accept a Recommended Order and Decision submitted to it by Administrative Law Judge Helen W. Gunnarsson. Judge Gunnarsson had recommended dismissal of the case because of Complainant's failure to prosecute the matter. The panel had received a letter from Complainant which indicated a desire to pursue the matter, and the panel's order remanded the case to Judge Gunnarsson for reconsideration of her recommendation.

FINDINGS OF FACT

The following facts are based upon the record file in this matter.

1. On August 11, 1998, pursuant to the Commission panel's

remand order, Judge Gunnarsson entered an order which scheduled a hearing on Respondent's motion to dismiss. The hearing was scheduled for August 31, 1998. Judge Gunnarsson's order specifically warned Complainant that failure to appear might result in a recommendation of dismissal with prejudice.

2. Neither party appeared at the hearing scheduled for August 31, 1998.

3. On March 6, 2000, Administrative Law Judge Denise A. Diaz entered an order scheduling a status hearing for March 15, 2000 at 2:00 p.m. Judge Diaz's order specifically warned Complainant that failure to appear would result in a recommendation of dismissal with prejudice.

4. Complainant did not appear at the status hearing scheduled for March 15, 2000.

#### CONCLUSIONS OF LAW

1. Complainant's failure to take any action to prosecute her claim has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

#### DISCUSSION

Complainant, Augusta Bethley, has taken absolutely no action to prosecute this matter since a Commission panel remanded the matter to the Administrative Law Section. Moreover, she has ignored two written orders, both of which warned her that

dismissal with prejudice would be the likely consequence if she failed to appear.

It appears that Complainant simply has abandoned her claim. As a result, it is appropriate to dismiss the claim with prejudice. See **Leonard and Solid Matter, Inc.**, \_\_\_ Ill. HRC Rep. \_\_\_ (1989CN3091, August 25, 1992.)

RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed these proceedings and it appears that she has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: June 4, 2002